

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ELIZABETH ANDRES, *et al.*,

**STIPULATION AND
ORDER**

Plaintiffs,

v.

TOWN OF WHEATFIELD, *et al.*,

Civil Action No.

17-cv-00377-CCR

Defendants.

ALICIA BELLAFAIRE, *et al.*,

Plaintiffs,

Civil Action No.

v.

18-cv-00560-CCR

TOWN OF WHEATFIELD, *et al.*,

Defendants.

THEODORE WIRTH, III, *et al.*,

Plaintiffs,

Civil Action No.

v.

18-cv-01486-CCR

TOWN OF WHEATFIELD, *et al.*,

Defendants.

This Stipulation and

Order applies in Lead Case *Andres, et al. v.*

Town of Wheatfield, et al. ("Andres"), Consolidated Case *Bellafaire, et al. v. Town of Wheatfield, et al.*, and Consolidated Case *Wirth, et al. v. Town of Wheatfield, et al.* (the "Consolidated Actions").

WHEREAS on February 3, 2022, Defendants filed a joint Motion for Partial Summary Judgment Dismissing Plaintiffs' claims arising under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), ECF No. 304 (the "CERCLA MSJ");

WHEREAS, a motion hearing was held on June 28, 2022, and oral argument was heard on the CERCLA MSJ;

WHEREAS, Defendants' CERCLA MSJ was taken under advisement; and

WHEREAS, Plaintiffs' counsel advised Defendants on August 3, 2022 that plaintiffs no longer wish to pursue their CERCLA claims;

The parties, through their undersigned counsel, therefore **STIPULATE AND AGREE** that:

1. All CERCLA claims asserted in the Consolidated Actions shall be and hereby are dismissed without prejudice.

IT IS SO ORDERED.

Dated:

8/18/22



United States District Judge Christina Reiss

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